

REMARKS

Claims 1-2, 5-8, 17-23 and 25-26 are all the claims presently pending in this application. Claims 1, 2, 6 and 8 have been amended to more particularly define the claimed invention. Claims 25-26 have been added to claim additional features of the claimed invention. Claims 4 and 24 have been canceled.

It is noted that the amendments are made only to more particularly define the invention and not for distinguishing the invention over the prior art, for narrowing the scope of the claims, or for any reason related to a statutory requirement for patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claims 4, 6 and 8 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 4, 6 and 8 have been amended in a manner believed fully responsive to all points raised by the Examiner.

Claims 1-2 and 4 stand rejected under 35 U.S.C. §102(b) as being anticipated by Danna, U.S. Pat. No. 5,221,021.

Claims 1-2, 4-8 and 17-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fischerkeller et al., U.S. Pat. No. 6,371,153, further in view of Danna, U.S. Pat. No. 5,221,021.

Claims 5-8, 21 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Danna, U.S. Pat. No. 5,221,021, further in view of Ball, U.S. Pat. No. 2,208,621.

Claims 5-8, 21 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Danna, U.S. Pat. No. 5,221,021.

These rejections are respectfully traversed in view of the following discussion.

I. THE PRIOR ART REJECTIONS

A. The 35 U.S.C. § 102(b) Rejection over Danna, U.S. Pat. No. 5,221,021

The Examiner alleges that Danna, U.S. Pat. No. 5,221,021, (Danna), teaches the invention of claims 1-2 and 4.

Applicant respectfully maintains that Danna does not teach or suggest, “wherein an area surrounded by said bead portion is configured to be bored by a drill so that fuel in said fuel remaining portion of said fuel tank is drained out.”

Therefore, Applicant respectfully requests the Examiner reconsider and withdraw this rejection since the alleged prior art reference to Danna fails to teach or suggest each element and feature of Applicant’s claimed invention.

B. The 35 U.S.C. § 103(a) Rejection over Fischerkeller et al., U.S. Pat. No. 6,371,153 further in view of Danna, U.S. Pat. No. 5,221,021

The Examiner alleges that Fischerkeller et al., U.S. Pat. No. 6,371,153, (Fischerkeller), further in view of Danna, U.S. Pat. No. 5,221,021, (Danna), makes obvious the invention of claims 1-2, 4-8 and 17-24.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Fischerkeller with the teaching from Danna to form the invention of claims 1-2, 4-8 and 17-24. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

Applicant respectfully maintains that neither Fischerkeller, nor Danna, nor any alleged combination thereof, teaches or suggests, “wherein an area surrounded by said bead portion is configured to be bored by a drill so that fuel in said fuel remaining portion of said fuel tank is drained out,” of claims 1 and 24.

Therefore, Applicant respectfully requests the Examiner reconsider and withdraw this rejection since the alleged prior art references to Fischerkeller and Danna (either alone or in combination) fail to teach or suggest each element and feature of Applicant’s claimed invention.

C. The 35 U.S.C. § 103(a) Rejection over Danna, U.S. Pat. No. 5,221,021 further in view of Ball, U.S. Pat. No. 2,208,621

The Examiner alleges that Danna, U.S. Pat. No. 5,221,021, (Danna), further in view of Ball, U.S. Pat. No. 2,208,621, (Ball), makes obvious the invention of claims 5-8, 21 and 23.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Danna with the teaching from Ball to form the invention of claims 5-8, 21 and 23. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

That is, Ball fails to make up for the deficiencies of Danna as discussed above.

The Examiner asserts Ball discloses “bead portions (15) near the tank end walls and central bead portion (trough portion 10), the bead portions are separated by cut portions (15a) as shown in Fig. 1.”

However, even assuming *arguendo* that the Examiner's position has some merit, Ball fails to teach or suggest, “wherein an area surrounded by said bead portion is configured to

be bored by a drill so that fuel in said fuel remaining portion of said fuel tank is drained out."

Therefore, Ball fails to overcome the deficiencies of Danna.

Therefore, Applicant respectfully requests the Examiner reconsider and withdraw this rejection since the alleged prior art references to Danna and Ball (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

D. The 35 U.S.C. § 103(a) Rejection over Danna, U.S. Pat. No. 5,221,021

The Examiner alleges that Danna, U.S. Pat. No. 5,221,021, (Danna), makes obvious the invention of claims 5-8, 21 and 23.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Danna to form the invention of claims 5-8, 21 and 23. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

The Examiner asserts "it would have been would have been obvious to modify Danna's substantially circular bead to be a series of non-contiguous beads arranged in a circular direction by providing more gaps in the circular arrangement as a means to relieve the stress in the bead formation with stress relief at the gaps where no deformation exists and with the stress minimized at the part circular bead formations as motivated by a decrease in stress while maintaining the alignment and securing functions of the beads."

However, even assuming *arguendo* that the Examiner's position has some merit, Danna fails to teach or suggest, "wherein an area surrounded by said bead portion is configured to be bored by a drill so that fuel in said fuel remaining portion of said fuel tank is

drained out.”

Therefore, Applicant respectfully requests the Examiner reconsider and withdraw this rejection since the alleged prior art reference to Danna fails to teach or suggest each element and feature of Applicant’s claimed invention.

E. Newly Added Independent Claims 25-26 with Respect to the Applied Prior Art References

With respect to Applicant’s newly added independent claims 25-26, the applied prior art references and any combination thereof fail to teach or suggest:

“forming a display portion visible from an outer side of the fuel tank on said lowest planar position of the fuel tank, the display portion comprises projecting a bead portion toward an inner side of the fuel tank by a predetermined amount and corresponds to a fuel remaining portion of the fuel tank;

determining the location of the fuel remaining portion of the fuel tank based on observing the display portion from the outer side of the fuel tank;

puncturing an opening the fuel tank in an area surrounded by said bead portion; and draining fuel in the fuel remaining portion of the fuel tank through the opening,” of claim 25, and

“wherein an area surrounded by said bead portion is configured to be bored by a drill so that fuel in said fuel remaining portion of said fuel tank is drained out,” of claim 26.

Therefore, none of the cited prior art references nor any alleged combination thereof teaches or suggests these features of Applicant’s claimed invention with respect to newly added claims 25-26.

II. FORMAL MATTERS AND CONCLUSION


In view of the foregoing, Applicant submits that claims 1-2, 5-8, 17-23 and 25-26, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

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Respectfully Submitted,


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